

**OUTLINE FOR RULES RELATIVE TO CERTIFICATION
OF CANDIDATES FOR CHIEF ADMINISTRATIVE OFFICER
OF THE COUNTY HIGHWAY DEPARTMENT**

I. Definitions

- A. **“Highway”** is defined as a main public road connecting towns and cities as opposed to the more generic term “road.”
- B. **“Highway Construction”** is defined as the construction of roads, streets, highways, and/or bridges according to federal, state or local specifications or the construction and acceptance of such by a local government as meeting the appropriate construction standards. Highway construction **includes** the construction of subdivision roads or any other roads that have met the standards of a governmental body or that have been accepted by a governmental body and the construction of public airport runways according to standards and specifications of the federal, state, or local government. Highway construction **does not include** the construction of subdivision roads that do not meet the standards of a governmental body or that have not been accepted by a governmental body; the construction of parking lots, driveways or access roads; the construction of roads for agricultural or timber harvesting operations; the repair or reconstruction of portions that are less than half the width of roads, streets, or highways in conjunction with installing water or other utility lines; the inspection of highway construction (unless the inspector is also the party responsible for the supervision of the construction project); or the construction of private airport runways.
- C. **“Highway Maintenance”** is defined as the repair and general upkeep of roads, streets or highways of the federal, state, or local government and includes resurfacing, road shoulder maintenance, and repair and upkeep of guardrails and bridges sufficient to give the person experience in all aspects of highway maintenance. Highway maintenance **does not** include the maintenance of subdivision roads that have not met the standards of a governmental body; the placement or replacement of road signs, or the clearing of plant growth or debris from the road or shoulder; minor repairs to highways, streets, or roads necessitated by utility service or maintenance work that are less than half the width of the road; or the inspection of highway maintenance (unless the inspector is also the party responsible for supervision of the maintenance).
- D. **“Supervisory Capacity”** means having direct oversight or management of other persons involved in actual highway construction or maintenance activities so that the supervisor directs the methods, equipment, and standards of the work performed and is responsible for the timely completion and quality of the work. Supervisory capacity further means that the person has the authority to determine whether the work was performed according to the applicable specifications. Supervisory capacity **does not** include service in a policy-making position that has only indirect responsibility or oversight of road construction, such as a mayor, county executive, member of a local legislative body, road committee member, or member of a highway commission or similar body.
- E. **Licensed to Practice Engineering in Tennessee** means the person has been issued a license to practice engineering by the State Board of Architects and Engineers or is otherwise authorized by that board to practice engineering in the State of Tennessee by virtue of being licensed in another state.
- F. **Graduate of an Accredited School of Engineering** means an engineering school that has been accredited by the Accreditation Board for Engineering and Technology (ABET) as of the date the degree was issued.

- G. **Combination of Education and Experience Equivalent to either of the following** means that in the judgment of the board, the candidate has such a combination of education and experience to be equivalent in qualification to a person having attained one of the four standards outlined below:

1. Graduate of an accredited school of engineering with at least two years' experience in highway construction or maintenance; or
2. Licensed to practice engineering in Tennessee; or
3. At least four years' experience in a supervisory capacity in highway construction or maintenance.
4. Combination of education and experience – Read in the context of the statute, this must be defined as a combination of engineering education and supervisory experience in highway construction or maintenance.

II. How to Apply for Certification

- A. The person wishing to be certified to seek election to the office of chief executive of the county highway department shall provide sworn statements that outline his experience and/or education. All statements must be sworn to and signed before a notary or other person authorized by law to administer an oath.
- B. A sworn statement by the applicant will be sufficient as long as the statement includes the necessary information and does not include contradictory provisions or provisions contradictory to prior statements. When it is determined that there are contradictions, the applicant will be required to provide supporting statements from others in support of his application. The supporting statements must be from individuals with first-hand knowledge of the applicant's experience in this area.
- C. Statements concerning experience should describe the applicant's experience to clearly show that he has the required number of years' experience. The format of this would vary depending on the type of experience. A representative example of the different possibilities follows with the type of information necessary to satisfy the requirement.
1. Full-time employment with the state Department of Transportation or county highway department. - A detailed description of the applicant's responsibilities, the number of personnel supervised and their responsibilities, and the period of time in that position.
 2. Full-time employment with a company that exclusively builds roads. - Information as described in C.1., above along with a representative example of the type of roads constructed. For instance, specific projects should be identified (e.g., resurfacing of 10-mile stretch of I-285, construction of I-40 between Lebanon and Cookeville, etc.) with a statement that the listed projects are representative of the work performed over a specified period of time.
 3. Full-time employment with a paving company or other business that does not exclusively build roads. - Information as described in C.1., above along with a listing of specific projects involving highway construction or maintenance and the time periods that the applicant worked on those projects. Credit will be given only for time that can be attributed to highway construction or maintenance.

III. Challenge Process

- A. The Board will accept affidavits from persons who dispute the qualifications of a candidate. Such affidavits must be based upon first-hand knowledge and sworn to and signed before a notary public or other person authorized by law to administer oaths.
- B. The Board shall hold public hearings and accept testimony and other evidence to determine the qualifications of a candidate when the Board determines that there is a legitimate dispute as to the qualifications of the candidate.